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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, FEBRUARY 29, 2016

Senate Chamber

President Little called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senators McKenzie and Nonini, absent and formally excused by the Chair.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Luke Henrie, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 26, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 105

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the mail processing function of the post office in Pocatello, Idaho, was closed on or about April 18, 2015; and

WHEREAS, Brian Sperry, the regional spokesman for the United States Postal Service (USPS) stated that the impacts would be that stamped "First-Class Mail" would take between two and three days to reach its destination; and

WHEREAS, mail delivery in eastern Idaho is now significantly delayed, with delays ranging from a few days up to a few weeks; and

WHEREAS, USPS has already closed or suspended services in many locations nationwide, including in Twin Falls, Idaho, and is considering closing more; and

WHEREAS, USPS can provide better delivery times while still cutting substantive costs by restructuring its pre-funding for retirement benefits.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress should pass legislation that would direct USPS to restructure their budget priorities, rethink their administrative model, make appropriate budget cuts if necessary, focus on customer service and acceptable delivery times, and reopen shuttered mail processing plants throughout the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SJM 106

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES ENTITY COORDINATOR, BONNEVILLE POWER ADMINISTRATION AND THE UNITED STATES ARMY CORPS OF ENGINEERS.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Canada and the United States share one of the most integrated energy markets in the world; and

WHEREAS, the Columbia River Treaty was signed by the United States and Canada in 1961 and implemented in 1964; and

WHEREAS, the purpose of the treaty was to reduce impacts from flooding and to increase power generation; and

WHEREAS, the treaty did provide flood control and increased hydropower generation at dams downriver; and

WHEREAS, the Columbia River Treaty continues to offer mutual benefit to both the United States and Canada as it currently stands; and

WHEREAS, the states of the pacific northwest, Washington, Oregon, Idaho and Montana, and the Province of British Columbia are interested in working together to ensure that any potential changes or updates will continue to benefit the entire region collectively; and

WHEREAS, state and provincial legislators, tribal, community, federal and academic leaders from across the pacific northwest have worked together to educate state and provincial leaders on the current status of the work that has been done on both sides of the border and discuss the future of the treaty.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the United States Department of State to continue the Columbia River Treaty, to consult with British Columbia and the states of the pacific northwest regarding any review of the treaty and to receive and consider input from British Columbia and the states of the pacific northwest regarding any negotiations with respect to the treaty.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the

Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States, the United States Department of State, the United States Entity Coordinator, Bonneville Power Administration and the United States Army Corps of Engineers.

[SJM 105](#) and [SJM 106](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 26, 2016

The STATE AFFAIRS Committee reports out [S 1269](#) and [S 1272](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[S 1269](#) and [S 1272](#) were filed for second reading.

February 26, 2016

The STATE AFFAIRS Committee reports out [S 1342](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1342](#) was referred to the Fourteenth Order of Business, General Calendar.

February 26, 2016

The JUDICIARY AND RULES Committee reports out [H 461](#), [S 1327](#), [S 1351](#), and [S 1352](#) with the recommendation that they do pass.

LODGE, Chairman

[H 461](#), [S 1327](#), [S 1351](#), and [S 1352](#) were filed for second reading.

February 26, 2016

The JUDICIARY AND RULES Committee reports out [S 1328](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1328](#) was referred to the Fourteenth Order of Business, General Calendar.

February 29, 2016

The STATE AFFAIRS Committee reports out [H 355](#), [H 473](#), [S 1234](#), and [S 1323](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 355](#), [H 473](#), [S 1234](#), and [S 1323](#) were filed for second reading.

February 29, 2016

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Michael "Mike" Mark Mooney to the Idaho Energy Resources Authority, term to expire June 30, 2020.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 29, 2016

The STATE AFFAIRS Committee reports out [S 1357](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1357](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 25, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1197](#), [S 1206](#), [S 1207](#), [S 1210](#), [S 1213](#), and
[S 1216](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 26, 2016

Dear Mr. President:

I transmit herewith [H 331](#), as amended, [H 478](#), [H 512](#), [H 469](#), [H 499](#), [H 343](#), [H 526](#), [H 497](#), and [H 511](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 331](#), as amended, [H 478](#), [H 512](#), [H 469](#), [H 499](#), [H 343](#), [H 526](#), [H 497](#), and [H 511](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1363 **BY FINANCE COMMITTEE** **AN ACT**

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

S 1364**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND APPROPRIATING AND TRANSFERRING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL (DED) FUND WITHIN THE STATE INDEPENDENT LIVING COUNCIL ON JULY 1, 2016, OR AS SOON THEREAFTER AS IS PRACTICABLE.

S 1365**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

S 1366**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1367**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

S 1368**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1369**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR THE FEDERAL/STATE AGREEMENTS PROGRAM FOR FISCAL YEAR 2016; APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; GRANTING A CONTINUOUS APPROPRIATION FOR A CERTAIN FUND; AND DECLARING AN EMERGENCY.

S 1370**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1371**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2017; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT FOR THE MORTGAGE RECOVERY FUND.

S 1372**BY FINANCE COMMITTEE****AN ACT**

APPROPRIATING MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2017; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

[S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [S 1371](#), and [S 1372](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 331](#), as amended, [H 478](#), and [H 512](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 469](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 499](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 343](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 526](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 497](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 511](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1322](#) and [S 1326](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1320](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Souza arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris,

Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS--None.

Absent and excused--McKenzie, Nonini. Total - 2.

Total - 35.

Whereupon the President declared [S 1320](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1333](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS--None.

Absent and excused--McKenzie, Nonini. Total - 2.

Total - 35.

Whereupon the President declared [S 1333](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1334](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS--None.

Absent and excused--McKenzie, Nonini. Total - 2.

Total - 35.

Whereupon the President declared [S 1334](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1293](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 10:30 a.m., Tuesday, March 1, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary